

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

COLIN MOEN, DORIAN DEMPSEY,
TAYLOR GOADE, JEREMIAH JENSON, and
MAXX GARRETT,

Plaintiffs,

v.

SKINNY LABS INC. d/b/a SPIN,

Defendant.

No. 18-2-55902-2 SEA

**COMPLAINT FOR UNPAID
WAGES**

1. Plaintiffs Colin Moen, Dorian Dempsey, Taylor Goade, Jeremiah Jenson, and Maxx Garrett are adults who performed labor in King County in the employ of Defendant Skinny Labs Inc. d/b/a Spin ("Spin"), as is alleged *infra*.

2. Defendant Spin is a Delaware corporation with its headquarters located in San Francisco, California. In 2017 and 2018, Spin operated a bicycle-sharing program in Seattle, Washington, in addition to other locations around the country. Upon information and belief, Defendant Spin never registered with the Washington Secretary of State as a foreign business entity doing business in Washington. In November 2018, Spin was acquired by Ford Smart Mobility, LLC.

1 3. Plaintiff Colin Moen was employed by Defendant Spin in Seattle as a bicycle
2 mechanic from approximately September 2017 to August 2018.

3 4. Plaintiff Taylor Goade was employed by Defendant Spin in Seattle as a
4 bicycle mechanic from approximately October 2017 to February 2018.

5 5. Plaintiff Jeremiah Jenson was employed by Defendant Spin in Seattle as a
6 bicycle mechanic from approximately October 2017 to August 2018.

7 6. Plaintiff Dorian Dempsey was employed by Defendant Spin in Seattle as a
8 driver from approximately April 2018 to August 2018.

9 7. Plaintiff Maxx Garrett was employed by Defendant Spin in Seattle as a driver
10 from approximately September 2017 to August 2018.

11 8. During their employment with Defendant Spin, Plaintiffs each worked full-
12 time according to a set schedule, and they were subject to regular and frequent supervision
13 during their shifts. They were each paid a set hourly rate, and did not have any other
14 opportunity for profit/loss. Defendant Spin provided tools and other materials, and imposed
15 specific requirements with respect to how Plaintiffs were to carry out their job duties.

16 9. For these and other reasons, Plaintiffs were hourly employees and Defendant
17 Spin misclassified them as independent contractors.

18 10. Plaintiffs often worked more than 40 hours per week.

19 11. Defendant Spin failed to pay Plaintiffs premium overtime wages when they
20 worked over 40 hours per week.

21 12. Defendant Spin also failed to provide Plaintiffs with paid sick and safe time
22 in violation of the Minimum Wage Act and Seattle Municipal Code 14.16.
23

FIRST CAUSE OF ACTION—VIOLATION OF THE MINIMUM WAGE ACT

13. Plaintiffs repeat and re-allege the prior allegations of the Complaint herein as if fully repeated.

14. Defendant Spin violated RCW 49.46.130 by permitting Plaintiffs to work more than 40 hours in a workweek without paying overtime premium pay.

15. Defendant Spin violated RCW 49.46.210 by failing to provide Plaintiffs with one hour of paid sick and safe time for every 40 hours worked.

16. Defendant Spin's violations of RCW 49.46.130 and .210 were willful and done with the intent to deprive Plaintiffs of their wages in violation of RCW 49.52.050 and .070, thereby allowing Plaintiffs to recover double exemplary damages.

SECOND CAUSE OF ACTION – SEATTLE WAGE THEFT ORDINANCE

17. Plaintiffs repeat and re-allege each and every allegation set forth in the preceding paragraphs.

18. Defendant Spin violated the Seattle Wage Theft Ordinance, Seattle Municipal Code 14.20 by failing to pay overtime wages for all weeks in which Plaintiffs worked more than 40 hours per week.

19. Plaintiffs have a private remedy for violations under Code §14.20.090 for unpaid overtime wages, interest, attorney fees, and liquidated damages in an additional amount of twice the unpaid wages.

THIRD CAUSE OF ACTION – SEATTLE SICK AND SAFE TIME ORDINANCE

20. Plaintiffs repeat and re-allege each and every allegation set forth in the preceding paragraphs.

21. Defendant Spin violated the Seattle Paid Sick and Safe Time Ordinance, Seattle Municipal Code 14.16 by failing to provide Plaintiffs with one hour of paid sick and safe time for every 40 hours worked.

22. Plaintiffs have a private remedy for violations under Code §14.16.110 for unpaid wages, interest, attorney fees, and liquidated damages in an additional amount of twice the unpaid wages.

PRAYER FOR RELIEF

Wherefore, Plaintiffs request that the Court:

1. Enter Judgment in favor of Plaintiffs and against Defendant Spin for money damages in an amount to be proven at trial, liquid or exemplary (double) damages, prejudgment and post-judgment interest at legal rates, costs and attorneys' fees pursuant to RCW 49.46.090, RCW 49.52.070, and Seattle Minimum Wage Ordinance Code §14.19.110 and §14.16.110;

2. Grant such other and further relief as the Court deems just and equitable.

DATED: November 29, 2018

By: /s/ Beau C. Haynes

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